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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,515	12/18/2001	William E. Weblar	ACS-60271 (2168P)	6307
24201	7590	03/14/2006	EXAMINER	
FULWIDER PATTON 6060 CENTER DRIVE 10TH FLOOR LOS ANGELES, CA 90045			LEUBECKER, JOHN P	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/025,515		WEBLER ET AL.	
	Examiner		Art Unit	
	John P. Leubecker		3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 22-34 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 18 and 22-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 17, 19 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, 9, 17, 19 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Forkner et al. (U.S. Pat. 4,750,476) for the reasons set forth in numbered paragraph 6 of the previous Office Action, paper number 08052005.

As to the newly added limitations, although the optical fiber (41) extend “a length” of the internal chamber, it also extends substantially the entire length of the internal chamber. In addition, the optical fiber (41) is directly connected to the ferrule (21) at least at location (49) (note Fig.1). Furthermore, considering elements (19) and (23) as the elongated shaft and tube (17) as part of the optical fiber, the optical fiber is also directly connected to the ferrule.

3. Claims 1-5, 8, 9, 17, 19 and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Oneda et al. (U.S. Pat. 4,979,498) for the reasons set forth in numbered paragraph 7 of the previous Office Action, paper number 08052005.

As to the newly added limitations, extending “a length” of the internal chamber does not necessarily require that the optical fiber extends the “entire length”, and thus the optical fiber of Oneda et al. (which is described as extending to point labeled “3” in Fig.1) would extend at least “a length” in the proximal portion of internal chamber when the proximal portion (4) of the

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elongated shaft is coupled with fitting (12A) (note Figure 1). As shown in Figure 1, the ferrule accommodates and holds the optical fiber (at location 3) and is thus “directly connected” to the structure surrounding this location (which is considered the ferrule).

Allowable Subject Matter

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Although claims 6 and 7 were previously rejected under 35 USC 103, this rejection has been withdrawn in view of reconsideration of the rejection and Applicant’s remarks that overcome the previous rejection under 35 USC 112, first paragraph. Assuming the dimensions are accurate (and Applicant has confirmed that they are in the remarks mentioned above), the Examiner takes the position that 1) it is not reasonable to believe it possible for the devices disclosed by Oneda et al. and Forkner et al. to be functional at the dimensions claimed; and 2) there is no motivation to make the components at the claimed dimensions given the nature and intended use of the devices disclosed. Oneda et al and Forkner et al. disclose endoscopes that are intended to be inserted by hand into a body to produce visual images for viewing. It does not appear reasonable to assume that if the outside diameter of the ferrules of these references were at the dimensions claimed, that these devices could be handled and inserted into a body (e.g., without breaking) or that they could produce images for viewing.

Response to Arguments

6. Applicant's arguments filed October 11, 2005 and December 12, 2005 have been fully considered but they are not persuasive.

Although limitations directed to the optical fiber extending substantially the entire length of the internal chamber were suggested by the Examiner, claims 1 and 17 only recite "a length" of the internal chamber which does not necessarily require it to be the entire length. Therefore, this limitation is not sufficient to define over the Oneda et al. reference. Furthermore, as pointed out above in the rejections, both the Oneda et al. and Forkner et al. references show a "direct connection" between the optical fiber and the ferrule. Thus, the previous rejections are being maintained.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamlin et al. (U.S. Pat. Re 36,434)—note Figures 3 and 4. To help advance prosecution, Applicant is requested to review this reference when amending the claims. The Examiner takes the position that the disclosed structure meets the limitations of claims 1-5, 8, 9, 17, 19 and 31-34.

Also note Frank et al. (U.S. Pat. 4,900,122) and Speier (6,761,684).

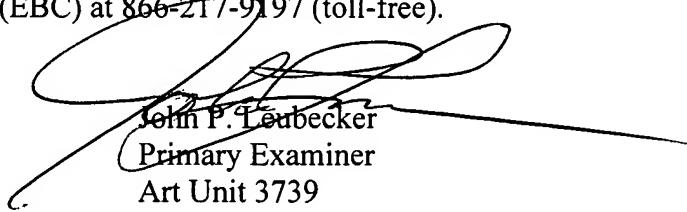
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769.

The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker
Primary Examiner
Art Unit 3739

jpl